

**From:** Webster, Michelle N. <MWebster@mayerbrown.com>  
**Sent:** Wednesday, September 26, 2018 5:38 PM  
**To:** Ethan Hatch; Netter, Brian  
**Cc:** Scott Apking; Mandhania, Ankur; Joel Rohlf; Heather Lea; Scott Bumb; Jerry Schlichter; Ross, Nancy; Myler, Sam; Waring, Matthew A.; Atamian, Jean-Marie L.; Feldman, Joel S. (jfeldman@sidley.com); Mattson, Eric (emattson@sidley.com); Velkovich, Dana (dvelkovich@sidley.com); Dosch, Joseph R. (jdosch@sidley.com)  
**Subject:** RE: Cunningham, et al. v. Cornell University, et al., 16-0625 - data and computations needed for the expert report of Glenn Poehler  
**Attachments:** Cunningham v. Cornell Poehler Data Requested by Plaintiffs 2018.09.25.xlsx

Ethan:

Attached is an excel sheet providing data supporting Exhibit 6, ¶95, n.170, and ¶117.

Paragraph 87 refers to Exhibit 6 and no separate calculations were conducted.

Paragraph 110, n. 195 does not refer to any calculation. Mr. Poehler reviewed the Caltech Forms 5500 referred to in the footnote which provided information regarding the funds those plans invested in, as well as the rebates provided to Caltech's plans.

Regards,

Michelle

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**From:** Ethan Hatch [mailto:EHatch@uselaws.com]  
**Sent:** Tuesday, September 25, 2018 1:18 PM  
**To:** Netter, Brian  
**Cc:** Scott Apking; Mandhania, Ankur; Joel Rohlf; Heather Lea; Scott Bumb; Jerry Schlichter; Ross, Nancy; Webb, Brantley; Webster, Michelle N.; Myler, Sam; Waring, Matthew A.; Atamian, Jean-Marie L.; Feldman, Joel S. (jfeldman@sidley.com); Mattson, Eric (emattson@sidley.com); Velkovich, Dana (dvelkovich@sidley.com); Dosch, Joseph R. (jdosch@sidley.com)  
**Subject:** Cunningham, et al. v. Cornell University, et al., 16-0625 - data and computations needed for the expert report of Glenn Poehler

Counsel,

In his expert report dated September 14, 2018, Glenn Poehler relies on a number of calculations he claims to have conducted in support of his opinion (*see e.g.*, Exhibit 6, ¶87, ¶95, n.170, ¶110, n.195, ¶117), yet Plaintiffs have not been provided with the specific facts or data considered by Poehler in reaching these calculations as required by Federal Rule of Civil Procedure 26(a)(2)(B)(ii). Although for some of these, Poehler generally references certain data from a plan's Form 5500s (*e.g.*, ¶117), he does not provide sufficient information to enable Plaintiffs to evaluate how his computations were derived.

Please promptly provide the spreadsheet setting forth any of these calculations that Poehler conducted in the aforementioned sections of his report, including any spreadsheet containing the formulas and data he used or considered.

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